

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

EDWIN JIMENEZ,

Defendant.

22-cr-192-07 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

Before the Court is defendant Edwin Jimenez's motion for retroactive application of Amendment 821 under 18 U.S.C. § 3582(c)(2). On September 10, 2024, Jimenez mailed the Court a letter in which he moved for retroactive application of Amendment 821 and stated that he was "not sure if CJA Counsel to represent [him] in this matter [wa]s needed." ECF No. 181. After receiving the letter on September 13, 2024, the Court assigned CJA Counsel Russell Capone to the matter "for the purpose of litigating, if deemed appropriate, the pro se motion." ECF No. 182. While Capone was reviewing the matter, Probation issued a supplemental Presentence Report. See ECF No. 186. Capone has now informed the Court that he has "since advised Mr. Jimenez that [he] do[es] not believe the issue can be litigated, principally for the reasons set forth in the Probation Department's Supplemental Presentence Report" and that "Mr. Jimenez indicated that he understood." ECF No. 188. Capone further states that "this matter may be concluded from the perspective of [his] CJA appointment." Id. Under these circumstances, where Jimenez has indicated that he understands, pursuant to the advice of counsel, that his motion is without merit,

the Court denies Jimenez's motion and relieves Capone from his CJA appointment in this matter.

Accordingly, the Clerk of Court is respectfully directed to close ECF No. 181.

SO ORDERED.

New York, NY

10/31, 2024


JED S. RAKOFF, U.S.D.J.